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Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

**NOTICE OF PUBLIC AVAILABILITY OF PROPOSED CHANGES TO EMERGENCY
REGULATIONS
AND SUPPORTING DOCUMENTS AND INFORMATION REGARDING
SKILLED NURSING FACILITY NURSING STAFF-TO-PATIENT RATIOS,
DPH-03-010E**

Pursuant to Government Code Section 11346.8, notice is hereby given that the Department is considering changes to the text of the emergency regulations regarding Skilled Nursing Facility Nursing Staff-to-Patient Ratios, (DPH -03-010E) and has added material to the record of the rulemaking proceeding for those regulations. The changed text of the regulations is being made available for public comment prior to adoption, amendment, or repeal of the resulting regulations. (For the Internet posting of this notice, the regulation text is posted as a separate document in conjunction with the notice document.) The material added to the record of the rulemaking proceeding is listed below:

INFORMATION ADDED TO THE RULEMAKING FILE

- Changes to the Statement of Reasons
- Exhibit I -- Total hours worked by nurse type and shift.
- Revised Economic and Fiscal Impact statement (STD 399), approved by the Department of Finance on October 17, 2008, based on the revised proposed regulations and the Department's Budget Analysis based on the proposed changes.
- Survey data (SNF Ratios—Bed Days) added to Exhibit H.

Attached are the text of the proposed regulations with the proposed changes to the emergency regulations clearly indicated and the changes to the Statement of Reasons resulting from the proposed changes. All the documents are available on the Office of Regulations and Hearings website at:

www.cdph.ca.gov/services/DPOPP/regs/Pages/ProposedRegulations.aspx

CONTACTS: In any inquiries or written comments, please identify the action by using the Department regulation control number, DPH -03-010E:

COMMENTS: In order to be considered, comments regarding the proposed changes to the regulations or to the material added to the rulemaking file must be received by the Office of Regulations and Hearings between 8:00 a.m. on October 22, 2008, and 5:00 p.m. on November 5, 2008, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations and Hearings, California Department of Public Health, MS 0507, 1501 Capitol Avenue, P.O. Box 997377, Sacramento, CA 95899-7377. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-5747; or
3. By email to regulations@cdph.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "DPH -03-010E" in the subject line to facilitate timely identification and review of the comment).

INQUIRIES: Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Gina Henning, Chief of Policy, Research, and Enforcement Branch, of Licensing and Certification at (916) 440-7360.

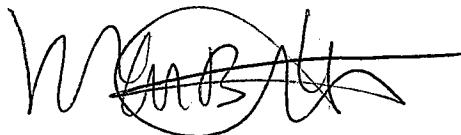
All other inquiries concerning the action described in this notice may be directed to Barbara Gallaway of the Office of Regulations and Hearings at (916) 440-7689, or to the designated backup contact person, Maureen Miyamura, at (916) 440-7841.

Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write: Barbara Gallaway, Office of Regulations and Hearings, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, voice (916) 440-7689 and/or California Relay at 711/1-800-735-2929.

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

DPH -03-010E

Dated: 10/16/2008

A handwritten signature in black ink, appearing to read 'Mark Horton', is written over a circular stamp. The signature is fluid and cursive, with a horizontal line extending from the end.

Mark Horton, M.D., M.S.P.H.
Director